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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,227	09/30/2003	Gunter Schwarzbauer	06896/100M097-US1	9707
7278	7590	11/14/2006	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			RUTLEDGE, AMELIA L	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/676,227

Applicant(s)

SCHWARZBAUER ET AL.

Examiner

Amelia Rutledge

Art Unit

2176

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-31.
Claim(s) withdrawn from consideration: _____.


AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

AR


Doug Hutton
Primary Examiner
Technology Center 2100

Continuation of 5. Applicant's reply has overcome the following rejection(s):

Rejections under 35 U.S.C. 101 of claims 1-28; Rejections of claims 9-12 under 35 U.S.C. 112, first paragraph.

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments, see Remarks, p. 14-17, filed 10/16/2006, with respect to the rejections of claims 1-28 under 35 U.S.C. 101 have been fully considered and are persuasive. The rejections of claims 1-28 under 35 U.S.C. 101 have been withdrawn.

Applicant has amended dependent claims 9-11 to overcome the claim rejections under 35 U.S.C. 112, first paragraph, therefore the rejections of claims 9-12 under 35 U.S.C. 112, first paragraph have been withdrawn.

Applicant has amended claim 1 to add the limitations "...a computer having a CPU and a storage device; and a computer-readable medium encoded with a computer program configured to perform the steps of parsing... recording... and replaying..." Weinberg teaches a computer having a CPU and a storage device and a computer-readable medium encoded with a computer program (col. 2, l. 10-40) encoded to perform the steps as discussed in the Final Office Action mailed 07/14/2006, p. 5, par. 1.

Applicant's arguments regarding the rejections of claims 1-12 and 29 under 35 U.S.C. 102 have been fully considered but they are not persuasive (Remarks, p. 18-20). Weinberg explicitly teaches an automated testing tool for testing and monitoring web applications having client side executable code (Col. 2, l. 30 - Col. 3, l. 37; Col. 8, l. 40-67). In response to applicant's arguments that Weinberg does not disclose scanning and parsing client side executable code (Remarks, p. 19-20), Weinberg explicitly discloses scanning and parsing client side executable code at col. 24, l. 25-34 as was cited in the Final Office Action, p. 5, par. 1.

Applicant's arguments regarding the rejections of claims 13-28, 30, and 31 under 35 U.S.C. 103(a) have been fully considered but they are not persuasive (Remarks, p. 20-22). As set forth in the rejection of dependent claim 28 in the Final Office Action, Sidles teaches a method of fuzzy form detection where a form is chosen from a database of forms which is similar to the form being submitted, and merged with past form data to produce a new filled form (p. 6, par. 61-62; p. 9, par. 86-90). Sidles teaches that the comparison and generating steps are performed for each form in the session history, since all forms from the previous sessions are stored in the database for comparison against the submitted form. Applicant argues that Sidles only generates data, i.e., fills out the form, if an exact match is found and does not generate data related to the differences between the forms (Remarks, p. 22, par. 1). However, Applicant's interpretation of Sidles is incorrect, since Sidles explicitly teaches the application of rules to associate data with form field labels, to generate data based upon differences resulting from the comparing step (Sidles, p. 6, par. 61-62), and therefore does not merely teach an exact match.

Claims 1-31 remain rejected for reasons of record as set forth in the Final Office Action mailed 07/14/2006, p. 4-19.